

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

|                   |   |             |
|-------------------|---|-------------|
| United States,    | ) | No. 15-6099 |
| <i>Appellee,</i>  | ) |             |
|                   | ) |             |
| v.                | ) |             |
|                   | ) |             |
| Lamar Lee,        | ) |             |
| <i>Appellant.</i> | ) |             |

**Unopposed Motion to Appoint  
the Office of the Federal Public Defender  
for the Eastern District of Virginia  
as Co-Counsel for Appellant**

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1. This is a 28 U.S.C. § 2255 case from the Eastern District of Virginia.
2. This Court granted a certificate of appealability on the issue “whether the Supreme Court’s holding in Johnson v. United States, 135 S. Ct. 2551 (2015), renders debatable the district court’s dispositive conclusion that trial counsel was not ineffective at sentencing because Lee’s prior Virginia conviction for unlawful wounding qualified as a crime of violence under the residual clause of the career offender Sentencing Guideline,” and added that “[i]mplicit in this issue is whether Johnson applies retroactively to cases on collateral review.” (Citation omitted.)
3. This Court appointed the undersigned counsel, Sean Andrussier, to represent the appellant, who is indigent. With his past appointments, Mr. Andrussier has not submitted vouchers for his time worked on appeals but instead has treated his time as pro bono work, and he will do the same in this appeal.

4. The opening brief deadline is November 18, 2015.

5. Mr. Andrussier has spoken with Jeremy Kamens, the Acting Federal Public Defender for the Eastern District of Virginia, regarding the subject matter of this appeal. Mr. Kamens's Office is involved with other cases that involve issues related to Johnson. Mr. Andrussier believes it would be beneficial to have Mr. Kamens's Office serve as co-counsel for this appeal. But that Office cannot appear without a court appointment. Such an appointment, of course, would not add any costs to this appeal. The appellant consents to this arrangement for co-counsel with Mr. Andrussier.

6. Mr. Andrussier has contacted counsel for the Appellee, Richard Cooke, and he does not oppose this motion.

7. For these reasons, we respectfully move for an order authorizing the appointment of the Office of the Federal Public Defender to serve as co-counsel along with Sean Andrussier.

Respectfully submitted,

/s/Sean E. Andrussier

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*\*Court-appointed counsel for Appellant*

/s/ Jeremy Kamens

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**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on this 23rd day of October 2015, I caused this Motion to be filed electronically with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

Richard Cooke  
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/s/ Sean Andrussier  
Sean E. Andrussier